

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Proposed Rulemakings

### CHILD WELFARE

The DEPARTMENT OF CHILDREN AND FAMILY SERVICES proposed amendments to Placement and Visitation Services (89 IAC 301; 45 Ill Reg 15402) concerning placement of children in DCFS care with emotional or behavioral disorders in qualified residential treatment programs (QRTPs). DCFS will designate licensed group homes or residential care facilities as QRTPs if they meet the following criteria: accreditation by a national organization recognized by the federal Department of Health and Human Services; registered/licensed nursing and clinical staff on-site and available 24/7; a trauma-informed treatment model capable of addressing the child's treatment needs; facilitating (in accordance with the child's best interests) participation of family members in the child's treatment program;

### COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

### Next JCAR Meeting

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facilitating outreach to and maintaining contact information for the child's siblings, other family and fictive kin (persons who have a family-like relationship to the child but are not relatives by blood or marriage); and providing post-discharge planning and support for at least 6 months following discharge. Within 35 days after

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## Adopted Rule

### ■ CHILD CARE

The DEPARTMENT OF HUMAN SERVICES adopted amendments to Child Care (89 IAC 50; 45 Ill Reg 8607) effective 11/24/21, replacing emergency amendments effective 7/1/21. The rulemaking updates FY22 income eligibility thresholds for the Child Care Assistance Program, which are set at 200% of Federal Poverty Level for new applicants and 250% FPL for enrolled families at annual redetermination, with eligibility phasing out between 250% FPL and 85% of State Median Income. The rulemaking also updates monthly CCAP co-payment amounts based on family size and income. Child care providers may be affected by this rulemaking.

*Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. East, 3rd Fl., Springfield IL 62762, 217/785-9772.*

**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# Proposed Rulemakings

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placing a child in a QRTP, DCFS must file a written report with the court and provide copies to all interested parties. In order to keep a child placed in a QRTP, DCFS must submit evidence at each status and permanency hearing that the child's needs cannot be met in a less restrictive environment (e.g., placement with a suitable relative or in a foster home) and that QRTP placement is consistent with the child's short- and long-term permanency goals. DCFS must also document the specific treatment and service needs of the child, the length of time the child is expected to need these services, and the efforts it is making to prepare the child to return home or be placed with a relative, guardian, foster home or adoptive parent. Other provisions of this rulemaking include great-grandparents in provisions for grandparent visitation; clarify the criminal convictions that prevent placement of a child with an unlicensed relative caregiver; and update definitions to align with State statute and federal law.

*Questions/requests for copies/ comments through 1/24/22: Jeff Osowski, DCFS, 406 E. Monroe, Station #65D, Springfield IL 62701-1498, 217/524-1983, TDD: 217/524-3715, fax: 217/557-0692, e-mail: [DCFS.policy@illinois.gov](mailto:DCFS.policy@illinois.gov).*

## ■ NURSING HOMES

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment

to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300; 45 Ill Reg 15442) that requires these facilities to adopt policies for regular testing of water systems for Legionella bacteria (which cause Legionnaire's Disease). These policies must specify how frequently testing will be conducted; include risk assessment and testing protocols; include a system for documenting test results and corrective actions; and be based on national standards established by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for preventing the growth and spread of Legionella in building water systems. (DPH proposed similar amendments to Sheltered Care Facilities Code (77 IAC 330) and Illinois Veterans' Homes Code (77 IAC 340) in last week's *Illinois Register*.)

*Questions/requests for copies/ comments through 1/24/22: Tracey Trigillo, DPH, 524 S. 2nd St., 6th Fl., Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## INSURANCE

The DEPARTMENT OF INSURANCE proposed amendments to the Part titled Credit for Reinsurance Ceded (50 IAC 1104; 45 Ill Reg 15423) implementing standards adopted by the National Association of Insurance Commissioners (NAIC) in accordance with recent international agreements. The rulemaking outlines the conditions

under which credit will be given for reinsurance (coverage obtained by an insurance company from an assuming insurer to protect it against excessive losses) ceded by domestic insurers to an assuming insurer located in a reciprocal jurisdiction, defined as: another U.S. state or territory that meets NAIC accreditation standards; a country with which the U.S. has a reciprocal agreement for this purpose; a member of the European Union; or another non-U.S. jurisdiction that meets specified criteria. The Director of DOI must maintain, publish and periodically update a list of reciprocal jurisdictions and assuming insurers that meet the requirements set in this rulemaking.

*Questions/requests for copies/ comments through 1/24/22: Laura Kotelman, DOI, 122 S. Michigan Ave., 19<sup>th</sup> Fl., Chicago IL 60603, 312/814-8214, [Laura.Kotelman@illinois.gov](mailto:Laura.Kotelman@illinois.gov), or Susan Anders, DOI, 320 W. Washington St., 4<sup>th</sup> Fl., Springfield IL 62767, 217/558-0957.*

## Second Notice

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will appear in next week's *Illinois Register* and be considered at the January 11, 2022, JCAR meeting in Springfield. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

### DEPT OF LABOR

Minimum Wage Law (56 IAC 210; 45 Ill Reg 6894) proposed 6/11/21

### JCAR Meeting Rescheduled

The December meeting of the Joint Committee on Administrative Rules has been rescheduled for **Wednesday, Dec. 15, at 11 a.m.** in Room C-600 at the Michael A. Bilandic Building, 160 N. La Salle St., Chicago. A live stream of the meeting will be available at <https://ilga.gov/commission/jcar/default.asp>

## Joint Committee on Administrative Rules

Senator Bill Cunningham, <i>co-chair</i>	Representative Tom Demmer
Senator John F. Curran	Representative Michael Halpin
Senator Donald DeWitte	Representative Frances Ann Hurley
Senator Kimberly Lightford	Representative Steven Reick
Senator Tony Muñoz	Representative Curtis Tarver, II
Senator Sue Rezin	Representative Keith Wheeler, <i>co-chair</i>

Kim Schultz  
Executive Director